

EXHIBIT A

**EXHIBITS IN SUPPORT OF NOTICE OF
AND RENEWED MOTION UNDER 18
U.S.C. 3582(C) FOR REDUCTION OF
SENTENCE (COMPASSIONATE
RELEASE)**

All cells are closed in 10 but open in 9

FCC LOMPOC USP

INMATE BULLETIN

COVID-19 / Enhanced Preventative Measures – Phase X

Due to an increase in positive cases among the inmate population at the USP, it is vital that we implement preventative measures and secure the inmate population for the safety and security of inmates and staff. This modification of operations is not punitive and will only be utilized until the current spikes in cases can be curtailed.

As part of these enhanced preventative measures, we will be implementing the following:

- Units will remain secured within cells
- Food Service detail will be permitted to work
- Trash / Corridor Orderlies will be permitted to work
- Laundry detail will be permitted to work

Feeding and Pill line will be administered in the units. Inmates will be permitted out of their cell to retrieve pill line and chow and return to their cell.

Orderlies will be permitted to be out in the unit for cleaning/sanitizing functions. No more than 2 orderlies should be out at a time. Emphasis should be put on sanitizing/cleaning showers, ice machines, common areas, tables, hand rails, water dispensers.

Due to the sanitation risk phones and computers will not be active at this time.

Sanitation materials will be made available for inmate cells and personal use.

Inmates will be permitted to shower on a structured basis. Ranges A, C, E will shower Monday, Wednesday, and Friday and Ranges B, D, F will shower Tuesday, Thursday, and Saturday. Showers will be conducted one range at a time. Inmates on the range will be permitted out for an hour and a half.

K-Unit will be limited to one inmate per shower out at a time.

ANY SOCIALIZING AT DOORS OF INMATES ON OTHER RANGES WILL RESULT IN DISCIPLINARY ACTION AND MAY RESULT IN THE LOSS OF OUT OF CELL TIME.

Reminder: NO INMATE CONTACT WILL BE PERMITTED. Social distancing and use of face coverings will be strictly enforced.

You play a critical role in mitigating COVID-19. It is important we work together to ensure the health and safety of everyone concerned.

Patricia V. Bradley, Complex Warden

12-30-2020

EXHIBIT B

FILED UNDER SEAL

**EXHIBITS IN SUPPORT OF NOTICE OF
AND RENEWED MOTION UNDER 18
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EXHIBIT C

**EXHIBITS IN SUPPORT OF NOTICE OF
AND RENEWED MOTION UNDER 18
U.S.C. 3582(C) FOR REDUCTION OF
SENTENCE (COMPASSIONATE
RELEASE)**

LOMHI * INMATE EDUCATION DATA * 06-16-2020
 PAGE 001 OF 001 * TRANSCRIPT * 10:35:53

REGISTER NO: 24862-111 NAME...: JOHNSON FUNC: PRT
 FORMAT.....: TRANSCRIPT RSP OF: LOM-LOMPOC USP

----- EDUCATION INFORMATION -----

FACL	ASSIGNMENT DESCRIPTION	START DATE/TIME	STOP DATE/TIME
LOM	ESL HAS ENGLISH PROFICIENT	03-25-2019 2335	CURRENT
LOM	GED HAS COMPLETED GED OR HS DIPLOMA	03-25-2019 2335	CURRENT

----- EDUCATION COURSES -----

SUB-FACL	DESCRIPTION	START DATE	STOP DATE	EVNT	AC	LV	HRS
LOM	AHC INTRO LIFE/CAREER PLANNING	01-21-2020	CURRENT				
LOM	CARPENTRY TECH. & SAFETY	12-09-2019	CURRENT				
LOM	WORKPLACE SAFETY	01-14-2020	02-02-2020	P	C	P	8
LOM	PLANET IN PERIL - DVD BASED	02-18-2020	02-25-2020	P	C	P	8
LOM	ACE INTRO TO COLLEGE	11-23-2019	12-14-2019	P	C	P	8
LOM	METEROLOGY: WONDERS OF WEATHER	11-13-2019	12-04-2019	P	C	P	8
LOM	ENGINEERING AN EMPIRE	04-18-2019	06-06-2019	P	C	P	16
LOM	ACE INTRO TO COLLEGE	08-10-2019	08-31-2019	P	C	P	4
LOM	ACE JOB SEARCH & INTERVIEW SKLS	08-08-2019	08-29-2019	P	C	P	6
LOM	THE GREAT WAR	04-20-2019	06-08-2019	P	C	P	16
LOM	ACE BEGINNING SPANISH LANGUAGE	04-15-2019	06-03-2019	P	C	P	16

G0000 TRANSACTION SUCCESSFULLY COMPLETED

Bureau of Prisons
Psychology Services
Independent Study

Inmate Name:	JOHNSON, ALAN	Sex:	M	Facility:	LOM	Reg #:	24862-111
Date of Birth:	██████████	Provider:	Samonte-Rillo, Jennifer Psych	Unit Team:	F		
Date:	11/19/2019 08:04						

Comments

On 11/19/2019, inmate JOHNSON completed Psychology Service's Custom Designed Self-Help Library Program: "Childhood Trauma". He programmed weekly, working at his own pace, until he completed the materials. He was also given a certificate of completion.

Completed by Samonte-Rillo, Jennifer Psych Tech on 11/26/2019 08:07

Bureau of Prisons
Psychology Services
Independent Study

Inmate Name:	JOHNSON, ALAN	Sex:	M	Facility:	LOM	Reg #:	24862-111
Date of Birth:	██████████	Provider:	Samonte-Rillo, Jennifer Psych	Unit Team:	F		
Date:	02/11/2020 14:13						

Comments

Inmate JOHNSON completed Psychology Service's custom designed Self-Help Library Program- "Interpersonal Issues: Relationships" with ample detail. He programmed weekly, working at his own pace, until he completed materials. Additionally, JOHNSON submitted a one-page essay summarizing what he has learned and how he plans to use this information in his daily life. He will be given a certificate.

Completed by Samonte-Rillo, Jennifer Psych Tech on 02/25/2020 14:16

Bureau of Prisons
Psychology Services
Independent Study

Inmate Name:	JOHNSON, ALAN	Sex:	M	Facility:	LOM	Reg #:	24862-111
Date of Birth:	██████████	Provider:	Samonte-Rillo, Jennifer Psych	Unit Team:	F		
Date:	02/25/2020 14:15						

Comments

Inmate JOHNSON completed Psychology Service's custom designed Self-Help Library Program- "Grief and Loss" with a considerable amount detail and effort. He programmed weekly, working at his own pace, until he completed materials. Additionally, JOHNSON submitted a one-page essay summarizing what he has learned and how he plans to use this information in his daily life. He will be given a certificate.

Completed by Samonte-Rillo, Jennifer Psych Tech on 02/25/2020 14:16

CERTIFICATE OF COMPLETION

TO

Alan Johnson

24862-111

FCC Lompoc Self-Help Library

For successfully completing the "Childhood Trauma" Psychology Services
Self-Help program.


C. Clegg, Ph.D., Chief Psychologist

11/19/2019

CERTIFICATE OF COMPLETION

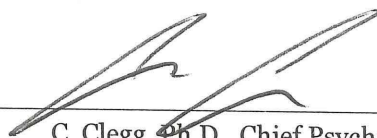
TO

Alan Johnson

24862-111

For successfully completing the “Coping” series.

FCC Lompoc – SHU Turning Points Program



C. Clegg, Ph.D., Chief Psychologist
July 23, 2019

CERTIFICATE OF COMPLETION

TO

Alan Johnson

24862-111

For successfully completing the “What About the Big Stuff?”

FCC Lompoc – SHU Self-Help Library Program



C. Clegg, Ph.D., Chief Psychologist

July 23, 2019

CERTIFICATE OF COMPLETION

TO

Alan Johnson
24862-111

FCC Lompoc Self-Help Library

For successfully completing the “Interpersonal Issues: Relationships” Psychology Services Self-Help program.


C. Clegg, Ph.D., Chief Psychologist

2/25/2019

CERTIFICATE OF COMPLETION

TO

Alan Johnson
24862-111

FCC Lompoc Self-Help Library

For successfully completing the "Grief and Loss" Psychology Services Self-Help program.


C. Clegg, Ph.D., Chief Psychologist

2/25/2020

EXHIBIT D

**EXHIBITS IN SUPPORT OF NOTICE OF
AND RENEWED MOTION UNDER 18
U.S.C. 3582(C) FOR REDUCTION OF
SENTENCE (COMPASSIONATE
RELEASE)**

FEDERAL PUBLIC DEFENDER
NORTHERN DISTRICT OF CALIFORNIA
13TH FLOOR FEDERAL BUILDING - SUITE 1350N
1301 CLAY STREET
OAKLAND, CA 94612

STEVEN G. KALAR
Federal Public Defender
HANNI M. FAKHOURY
Assistant Federal Public Defender

Telephone: (510) 637-3500
Fax: (510) 637-3507
Email: Hanni_Fakhoury@fd.org

May 18, 2020

DELIVERED VIA EMAIL TO LOX/EXECASSISTANT@BOP.GOV

Warden
USP Lompoc
3901 Klein Blvd.
Lompoc, CA 93436

RE: Request for Compassionate Release/Reduction in Sentence on Behalf of Alan Johnson, (BOP no. 24862-111)

Dear Warden :

Pursuant to 18 U.S.C. § 3582(c), BOP Program Statement 5050.50 and the March 26, 2020 and April 3, 2020 Memorandums of Attorney General William Barr, I am writing on behalf of my client, Alan Johnson, an inmate at FCI Lompoc, to request compassionate release.

Mr. Johnson was sentenced in 2016 to serve 86 months for distributing cocaine base in Northern District of California case 18-145. Mr. Johnson has served close to half of his sentence and his release date is May 25, 2024. Compassionate release is authorized under 18 U.S.C. § 3582(c)(1)(A)(i) for “extraordinary and compelling reasons.”

Because Mr. Johnson is a 42 year old African American male with a documented history of kidney stones, he is at a heightened risk for serious illness or death if he catches COVID-19 at your facility. As of the date of this letter, 870 inmates have tested positive for COVID-19 at FCI Lompoc, an infection rate of close to 80%. Compassionate release, or alternatively releasing Mr. Johnson onto home confinement, reduces the chances Mr. Johnson will suffer serious illness if and when he catches COVID-19. Releasing Mr. Johnson is consistent with Attorney General Barr’s March 26, 2020 memorandum, as he is an older and vulnerable inmate. Mr. Johnson has a release plan which could include returning to Northern California and/or possibly residing in a halfway house until he can secure stable residence.

Thus, I request you consider Mr. Johnson for compassionate release or home confinement on account of these extraordinary and compelling reasons. Please confirm receipt of this letter in writing and provide a written response.

Alan Johnson, 24862-111

May 18, 2020

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Sincerely,

STEVEN G. KALAR
Federal Public Defender
Northern District of California

A handwritten signature in blue ink, appearing to read 'Hanni M. Fakhoury', is written over the printed name.

HANNI M. FAKHOURY
Assistant Federal Public Defender

EXHIBIT E

**EXHIBITS IN SUPPORT OF NOTICE OF
AND RENEWED MOTION UNDER 18
U.S.C. 3582(C) FOR REDUCTION OF
SENTENCE (COMPASSIONATE
RELEASE)**

FEDERAL PUBLIC DEFENDER
NORTHERN DISTRICT OF CALIFORNIA
13TH FLOOR FEDERAL BUILDING - SUITE 1350N
1301 CLAY STREET
OAKLAND, CA 94612

STEVEN G. KALAR
Federal Public Defender
HANNI M. FAKHOURY
Assistant Federal Public Defender

Telephone: (510) 637-3500
Fax: (510) 637-3507
Email: Hanni_Fakhoury@fd.org

January 21, 2021

DELIVERED VIA EMAIL TO LOX-EXECASSISTANT-S@BOP.GOV

Warden
USP Lompoc
3901 Klein Blvd.
Lompoc, CA 93436

**RE: 2nd Request for Compassionate Release/Reduction in Sentence on Behalf of
Alan Johnson, (BOP no. 24862-111)**

Dear Warden:

Pursuant to 18 U.S.C. § 3582(c), BOP Program Statement 5050.50 and the March 26, 2020 and April 3, 2020 Memorandums of Attorney General William Barr, I am writing on behalf of my client, Alan Johnson, an inmate at FCI Lompoc, to request compassionate release. This is my second request for Mr. Johnson; I previously submitted a request on May 18, 2020, which was denied by the BOP.

Mr. Johnson was sentenced in 2016 to serve 86 months for distributing cocaine base in Northern District of California case 18-145-YGR. Mr. Johnson has served close to half of his sentence and his release date is May 25, 2024. Compassionate release is authorized under 18 U.S.C. § 3582(c)(1)(A)(i) for “extraordinary and compelling reasons.”

As documented in his BOP medical records, Mr. Johnson is a 42 year old African American man suffering from stage 2 chronic kidney disease, hypertension, asthma, hyperglycemia and obesity. All of these health factors place him at a significantly heightened risk for serious illness or death if he catches COVID-19 at your facility.

Mr. Johnson’s initial request for compassionate release was denied at a time when the pandemic seemed to be receding. Unfortunately that was an illusion; the pandemic is currently raging at an uncontrollable pace across the United States, California and the BOP.

Alan Johnson, 24862-111

January 21, 2021

Page 2

Lompoc in particular has struggled with containing COVID-19 since the outset of the pandemic. In April 2020, Lompoc exploded with almost 100 reported COVID-19 cases, the BOP's first and, at the time, worst outbreak of COVID-19 across the nation.¹

The Department of Justice's Office of the Inspector General conducted a remote inspection of the Lompoc complex in July 2020, and published several troubling findings on the facility's inability to curb the initial spread of COVID-19. Problems at Lompoc included a "preexisting shortage of medical staff," as well as an "insufficient number of correctional staff members . . . [which] delay[ed] full implementation of staff movement restrictions."² Additionally, Lompoc's "initial screening process was not fully effective," resulting in two symptomatic staff members coming to work unimpeded in late March 2020. Lompoc staff also "did not seek to test or isolate an inmate" who reported COVID-19 symptoms on March 22, and who tested positive for the disease eight days later at a local hospital. Moreover, Lompoc's "physical characteristics," "lack of a permanent leadership team," and its "extremely limited" use of home confinement to assist with social distancing all contributed to the rapid spread of COVID-19 throughout the facility.³

In May 2020, the American Civil Liberties Union ("ACLU") filed a class action lawsuit against Lompoc, and the U.S. District Court for the Central District of California has already granted a preliminary injunction, ordering the Lompoc correctional complex to expedite evaluation of class members' suitability for release to home confinement.⁴

Cases in Lompoc have begun to steadily climb again in recent weeks, consistent with the surge of infections across the country. As of this letter, USP Lompoc has a total of 36 confirmed active cases among inmates, and 6 active cases among staff.⁵ Of the 1,160 prisoners at USP Lompoc, 209 have tested positive for COVID-19,⁶ a positivity rate of 18%, which is significantly higher than the statewide positivity rate of 11.3%.⁷ Lompoc FCI, which is in the same complex as the USP, has fared even worse: of the 893 inmates tested, 646—an astronomical 72%—tested positive for COVID-19.⁸ There have been a total of four inmate deaths at the Lompoc complex—the most recent of which was announced on December 16, 2020.⁹

¹ Richard Winton, *Los Angeles Times*, "Coronavirus outbreak at Lompoc is the worst in the nation," <https://www.latimes.com/california/story/2020-04-16/coronavirus-outbreak-at-lompoc-federal-prison-is-worst-in-nation-with-69-inmates-25-staff-infected> (reporting 69 inmates and 25 staff members infected in April 2020).

² DOJ, OIG Pandemic Response Report 20-086, Remote Inspection of Federal Correctional Complex Lompoc, Jul. 2020, <https://oig.justice.gov/sites/default/files/reports/20-086.pdf>.

³ *Id.*

⁴ *Torres v. Milusnic*, 472 F. Supp. 3d 713, 746-47 (C.D. Cal. 2020).

⁵ Federal Bureau of Prisons, "COVID-19 Coronavirus," <https://www.bop.gov/coronavirus/>.

⁶ *Id.*

⁷ State of California, "Tracking COVID-19 in California," <https://covid19.ca.gov/state-dashboard/>.

⁸ Federal Bureau of Prisons, "COVID-19 Coronavirus," <https://www.bop.gov/coronavirus/>.

⁹ ABC/CBS, KEYT News, "Inmate at Lompoc Prison dies from COVID-19," <https://keyt.com/news/top-stories/2020/12/16/inmate-at-the-lompoc-prison-dies-from-covid-19/>.

Alan Johnson, 24862-111

January 21, 2021

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In December 30, 2020, Lompoc moved to Phase X of its “enhanced preventative measures” to combat the “current spikes in cases” of COVID-19. As part of these measures, inmates will once more be confined to their cells indefinitely, and are only permitted to leave to pick up medication and food, and to shower three times a week. Inmates are also barred from using phones and computers “due to the sanitation risk,” and any “contact” or “socializing” between inmates is strictly prohibited.¹⁰ The classes and programming that Mr. Johnson had been participating in have been suspended, and inmates spend the vast majority of their day within their cells. These restrictions closely resemble the precautions that were first implemented in Phase IV on March 26, 2020, when inmates were confined to their cells almost exclusively, and only permitted to leave for one hour every other day.

These restrictive measures did little to curtail the explosion of COVID-19 in Lompoc in April and there is little reason to expect a different result now. It is a miracle that Mr. Johnson has managed to survive through ten months of a deadly pandemic, incarcerated at the epicenter of the BOP’s single worst outbreak of COVID-19, without catching the disease himself.

Compassionate release, or alternatively releasing Mr. Johnson onto home confinement, reduces the chances Mr. Johnson will suffer serious illness if and when he catches COVID-19. Releasing Mr. Johnson is consistent with the Attorney General’s March 26, 2020 memorandum, as he is an older and vulnerable inmate. Mr. Johnson has a viable release plan, which includes returning to Northern California to reside in a halfway house until he can secure stable residence and receiving medical care through Medi-Cal.

Thus, I renew my request that you consider Mr. Johnson for compassionate release or home confinement on account of these extraordinary and compelling reasons. Please confirm receipt of this letter in writing and provide a written response.

Sincerely,

STEVEN G. KALAR
Federal Public Defender
Northern District of California



HANNI M. FAKHOURY
Assistant Federal Public Defender

¹⁰ FCC Lompoc USP, “Inmate Bulletin: COVID-19/Enhanced Preventative Measures – Phase X.”

EXHIBIT F

**EXHIBITS IN SUPPORT OF NOTICE OF
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U.S.C. 3582(C) FOR REDUCTION OF
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WXRA3	*	INMATE DISCIPLINE DATA	*	01-12-2021
PAGE 001 OF 001	*	CHRONOLOGICAL DISCIPLINARY RECORD	*	12:27:51

REGISTER NO: 24862-111 NAME...: JOHNSON, ALAN
FUNCTION...: PRT FORMAT: CHRONO LIMIT TO ____ MOS PRIOR TO 01-12-2021

G5401 DISCIPLINE DATA DOES NOT EXIST FOR THIS INMATE

EXHIBIT G

**EXHIBITS IN SUPPORT OF NOTICE OF
AND RENEWED MOTION UNDER 18
U.S.C. 3582(C) FOR REDUCTION OF
SENTENCE (COMPASSIONATE
RELEASE)**

December 10, 2020

To: Judge Gonzalez-Rogers

your honor

i write to you asking to reconsider my early release due to this pandemic. i am no longer the man you sentenced in 2019 i have grown and matured. in my past prison terms i wanted nothing but to get out and continue what i was doing. this time i have equipped myself with many tools to better myself in society far as employment and drug education. i understand the problem i had and i have been working very hard on myself and my drug problem. through the psychology department i have been doing additional classes and booklets addressing those issues to help me in certain areas. i have my carpenter's certificate and many other hours in other classes toward my future. My prison sentence at first was terrible for me but as i started to use it correctly i'm confident in my successful return to society and that i will never see prison again. No there is no guarantee but i can say that i now know how to ask for help when i have problems or to meetings ask probation to assist me and not do things as i used to see fit. i also have many people behind me to help me stay on the right track and off drugs and to be a productive member in society

Alan Johnson